

On Father's table when he died.

NEBRASKA AND KANSAS.

(37)

SPEECH

OF

HON. CHARLES W. UPHAM, OF MASS.,

1802 - 1876

IN THE HOUSE OF REPRESENTATIVES, MAY 10, 1854.

The House being in the Committee of the Whole on the state of the Union—

Mr. UPHAM said:

Mr. CHAIRMAN: In taking the floor at this time, after the body has been in session nine hours and a half, I can assure the committee that it is exceedingly disagreeable to me to make a continued demand upon their already exhausted attention. Having understood, in the earlier stages of the discussion, from the friends of the bill, that an opportunity would be given to all to speak upon the question, I have not allowed myself to be in the way of gentlemen who were impatient to express their sentiments, and should not now engage in the debate, were I not under an impression that some points, vital to the argument, have not as yet been adequately developed. The question ought not to be brought to a final vote without a full comprehension of its real merits, of all its elements, of its origin, history, bearings, and effects. The preeminently distinguished member from Missouri [Mr. BENTON] has touched briefly upon the line of argument which I propose, at some length, to spread out and enforce. The learned gentleman from Virginia, who first addressed the committee to-day, [Mr. BAYLY,] also adduced some important facts in support of the views which I propose to exhibit.

I hold, sir, that this bill contemplates, and will, if it becomes a law, constitute a radical and vital change in the policy upon which the Union of these States was originally formed, and by which its affairs have been administered throughout its entire history. It will be an abandonment of the course that has been pursued from the first. The country will swing from her moorings, and we shall embark, with all the precious interests, all the glorious recollections, and all the magnificent prospects of this vast republican empire, upon an untraversed, unknown, and, it may well be feared, stormy, if not fatal sea.

In order to justify and illustrate this view of the proposed attempt to repeal the Missouri compromise, I shall compress into the narrowest possible compass, as the short hour allowed compels, an

historical statement of the policy upon which the American Union was founded, to which it has adhered through every period of its existence, which the fathers believed, and found to be, absolutely necessary, and which their sons have faithfully maintained and solemnly reiterated in each successive generation.

The idea of a Federal Union, that is, of a confederation of political communities, each still preserving its distinct existence, was first developed on a limited sphere, and in a very imperfect way, by the New England Colonies, at an early stage of their existence. It was recommended by William Penn in 1700, particularly delineated by Daniel Coxe, an eminent colonial politician of New Jersey, in 1722, in his very curious book, entitled "A description of Carolana, by the Spanish called Florida, by the French La Louisiane, with a map of Carolana, and the river Meschacerbe," and first reduced to practice, on a large scale, by Benjamin Franklin. He urged it in publications in the Philadelphia Gazette, enforced in his usual style of practical wisdom and sagacity, and illustrated by a wood cut, representing a snake separated into several parts, with this motto, "Join or die." He succeeded in getting a Congress convened at Albany, at which delegates from seven Colonies were present, that is, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, and Maryland.

This first attempt of a general North American Union occurred in 1754—just one hundred years ago. Nothing of importance immediately resulted from the meeting, except the idea which it suggested to the general sense of the country, that such a union was practicable.

As the revolutionary war came on, the Colonies, rising to the great encounter, at once resorted to a Confederation. While the war continued the external pressure kept them together; but the moment that pressure was removed, it became evident that it would be difficult, if not impossible, to hold them together.

The historical fact that the institution of slavery was, at that time, the great obstacle in the way of

union, is what I desire, as the first point in my argument, to impress upon the committee.

We sometimes hear the sentiment expressed, that the excitement and disturbance produced by the slavery question is of recent or modern growth. This is an error, and it is an error vital to the question before us. As much agitation and as much difficulty were occasioned by it, at the time to which I am referring, to say the least, as in our day. Resistance against foreign oppression naturally led to the consideration of oppression at home, and a movement resulting in its abolition, wherever it could easily be done, was quickly brought to a head, and a broad line of distinction was soon drawn between the States that retained, and those which had abolished, the institution. At the period of the formation of the Constitution this distinction threatened to present an insurmountable obstacle to the establishment of a permanent union.

In his notes of the debates of the Federal Convention of 1787, Robert Yates, a delegate in that body from the State of New York, quotes Mr. Madison as having used this language:

"The great danger to our General Government is the great southern and northern interests of the continent being opposed to each other. Look at the votes in Congress, and most of them stand divided by the geography of the country, not according to the size of the States."

The conflict between the two sections of the country has never reached a greater height than in that very convention. I believe the nearest approach to an absolute rupture, in our day, was a few years ago, when Delegates in these Halls from the South threatened, in a certain event, to withdraw from their seats, return to their several States, and set up for themselves.

Mr. Madison informs us that the following passage took place in the convention of 1787, on the 19th of July, 1787, on the question of the basis of representation of the southern or slaveholding States in the popular branch of Congress:

"Mr. Davie, a delegate from North Carolina, said 'it was high time now to speak out. He saw that it was meant by some gentlemen to deprive the southern States of any share of representation for their blacks. He was sure that North Carolina would never confederate on any terms that did not rate them, at least, as three fifths. If the eastern States meant, therefore, to exclude them altogether, the business was at an end.'

"Gouverneur Morris, a delegate from Pennsylvania, said, in reply, that 'he came here to form a compact for the good of America. He was ready to do so with all the States. He hoped and believed that all would enter into such a compact. If they would not, he was ready to join with any States that would.'

Whoever examines the Madison papers, and other memorials of that day, will admit, at once, that the struggle between the two sections was as strenuous then as it has ever been, and will concede the next point I desire to make in my present argument, namely, that the Constitution never could have been adopted by the States, or even framed by the convention; the present Government could not have been established, nor even the Confederation long been maintained, had not certain compacts and mutual engagements been arranged and solemnly agreed to, to be forever binding between and upon the two great sections.

I now desire, Mr. Chairman, in the spirit of calm and impartial history, to present to the committee a brief statement of those compacts and engagements—compacts and engagements, sir, upon which the Union and Constitution were then

founded—under which we have grown to our present greatness as a first rate power—by virtue of which a comprehensive patriotism, even now, in this moment of controversy, binding our hearts together on this floor as the representatives of one mighty people, has warmed into a generous, enduring, and noble passion, but all of which, as I shall finally show, you are about to eradicate and cast away forever by the passage of this bill.

At the close of the revolutionary war, after a sharp and persevering contest, and the failure of some other proposed methods of valuation, it was agreed, in the old Congress, on the 1st of April, 1783, in apportioning the general burdens upon the different States, to adopt population as the basis, and count only three fifths of the slaves. On the final question establishing this ratio of slave enumeration, Rhode Island voted no. Massachusetts was divided. All the other States voted aye.

This was the first compromise ever made between the slaveholding and the free States.

On the 1st of March, 1784, Virginia executed a cession to the United States of her territory north and west of the Ohio river, comprising an area greater than all that remained to her, that is, greater than the present States of Virginia and Kentucky. The other States having proprietary interests there followed the wise and liberal example of Virginia. The whole territory northwest of the Ohio river thus became the common property of the United States in Congress assembled. It was all the territory they then possessed in common, and all that any one imagined, at that time, they ever would possess.

The possession of territory in common is contrary to the genius of our Federal Union, and necessarily involves the two sections of the country in conflict. The question is—not whether slave labor shall go with free labor on equal terms into the common territory, but—it being well understood then, and as all subsequent experience has constantly demonstrated, that they cannot possibly both go, as one or the other must necessarily be excluded—whether the territory shall be occupied by free labor or by slave labor. The issue was at once made. A struggle forthwith arose between the two sections which form of labor should occupy and possess the Northwest Territory. The struggle continued for years with unabated energy and determination, and never could have been arrested, had not a compromise, in the nature of a solemn and perpetual compact, been agreed upon by the parties.

In order that this great compromise, which was the basis on which the American Union was constructed—the only basis upon which a Union could have been formed, but which the Nebraska bill not only violates, but utterly repudiates in express terms—may be understood, I must be allowed, at this point, to go somewhat into detail.

Immediately after the Northwest Territory had become the property of the United States, in Congress assembled, that body applied itself to provide for its settlement and organization. Reports and bills were brought in for the management and disposal of its lands, and for the institution of civil and political society among those who might settle upon them. On the 1st of March, 1784, the very day of the cession from Virginia, a committee, consisting of Messrs. Jefferson, of that State, Chase of Maryland, and Howell of Rhode

Island, reported a plan for the temporary government of the Western Territory. The report was written by Jefferson, and contained the following provision:

"After the year 1800 of the Christian era, there shall be neither slavery nor involuntary servitude in any of the said States, otherwise than in punishment of crimes, whereof the party shall have been duly convicted to have been personally guilty."

On the 19th of April, 1784, this proposition of Mr. Jefferson was voted down. On the 16th of March, 1785, Rufus King, a Delegate from New York, renewed the proposition, but it met a similar fate. Any one who examines the Journals, will see that the question thus raised, namely, whether slaveholders should be allowed to go into the common territorial possessions of the United States carrying that species of property with them, and holding it there, defied the solution of the old Congress, and that for three long years, in unintermitted session, that body made no approaches whatever towards its settlement; the two sections of the country stood arrayed in unwavering and immutable opposition to each other.

In the mean time the Confederation was growing more and more feeble and inadequate to its objects every day. The experiment of a Government embracing all the States, under an efficient Administration, was evidently beginning to fail. In this crisis a convention was called to devise a firmer union, and organize a government that would hold the States together, and save the country from dismemberment and ruin.

The convention assembled in Philadelphia on the 14th of May, 1787. The Congress of the Confederation was sitting at the same time in New York.

The antagonism between the slaveholding and free States was found to be as irreconcilable and immitigable in the convention as in the Congress. It soon became evident that neither body could solve the problem.

The question of the estimate to be made of slaves, and which, in reference to taxation, had been adjusted in the manner I have described several years before in the old Congress, came up again in the convention in another bearing. It was necessary to arrange a basis for a House of Representatives. It was admitted that population was the only practicable measure that could be devised; and the question was, how shall slaves be counted in apportioning representation in the House? When taxes were to be apportioned upon population in the old Congress, the southern delegates had maintained that slaves were mere property, not persons, and therefore not to be counted at all. The northern delegates had contended, on the other hand, that they were not property, but persons; and that, therefore, they all ought to be counted. But when, in the convention, political power was to be apportioned in a House of Representatives, both sections at once reversed positions. The South contended that slaves were persons, and ought all to be counted; and the North insisted that they were mere property, and ought not to be counted at all! Both sides adhered to their ground with unyielding pertinacity. Months passed after months, but no progress was made in the work of conciliation—nothing was settled, and nothing touching at all the points of difference appeared to be in the way of approaching a settlement.

The two bodies continued their unavailing labors—the old Congress in New York, the convention in Philadelphia. The great obstacle to an adjustment was the very question now before us. The slave States claimed the right of going with their institution into the Northwest Territory. I do not think that any one then took the ground of "sovereignty." That is a discovery of the political luminaries of our day. But the general right, upon the principles of equal justice, contended for by my honorable friend from North Carolina, [Mr. KERR,] of a slaveholder to go with his slaves into the common unoccupied territory of the Union, was persisted in by the southern delegates; and, surely, with as good reason then as now. The largest part of that common territory originally belonged to Virginia. She had just ceded it, as a free gift, to the United States. It was hard to deny to Virginians the right of crossing their own Ohio to its opposite bank, into what but a few days before had been their own territory, with their personal and domestic property. But the people of the free States were then resolved, as I believe they now are, and trust they ever will be, that this continent shall not be enveloped in slavery, and that a limit shall be put to its extension. The controversy was irreconcilable.

I maintain, looking at the subject not as a politician, but as a historian, that the Constitution could not have been formed, the Confederation could not have been preserved, and the States could not have continued under one government, had not a compromise in the nature of a compact been made. Such a compromise or compact was made. It is the basis upon which the Constitution was constructed, and on which it has stood from that day to this, but which the bill before us proposes to repudiate, repeal, annul, and overthrow.

The secret history of the transaction is not yet revealed—perhaps never will be. The facts, so far as they are yet known, are these: On the 9th of July, 1787, in the old Congress, the subject of the establishment of a civil government in the Northwest Territory was again taken up, and referred to a committee of five, of which Mr. Nicholas, of Virginia, was chairman, and Nathan Dane, of Massachusetts, a member. On the 11th of July, only two days afterwards, this committee reported the celebrated instrument since known as the "Ordinance of 1787." It contains the clause forbidding the extension of slavery into that Territory—the very clause, substantially, which Thomas Jefferson had endeavored in vain to persuade the same body to adopt; which Rufus King had also advocated in vain; and which, for more than three years, the slaveholding representatives had constantly resisted, with prompt and inflexible determination and unanimity. But now, the very next day after it had been reported, they unanimously and instantly accepted and agreed to it—every Southern vote stands recorded in the affirmative; indeed, every vote, North and South, except that of a single delegate from New York, Robert Yates.

Why this sudden, utter, and universal change? It was because there was attached to the restriction an obligation on the part of the States—that might be formed within the Territory, to permit the reclamation of fugitive slaves—an idea not broached before in either the Congress or the con-

vention, and not known to the law of nations or the comity of States. It was evidently the consideration offered by the free States to the slave States, and accepted by the latter, as an equivalent for their relinquishment of their claim of right to carry their institution into any part of the common territorial possessions of the United States.

This arrangement at once removed all obstacles out of the way of establishing a union under the Constitution; forthwith everything went on harmoniously and rapidly towards a satisfactory adjustment of every question in the Congress and in the convention. Without further delay, it was admitted, all around, that the measure adopted, when burdens were to be imposed, was no more and no less than just, when power was to be distributed, and the three fifths ratio was agreed to, in the enumeration of slaves in the population basis of this House. The grant of power to Congress to prohibit the importation of slaves after 1808, and to levy a tax upon them in the mean time, was also agreed to. The South relinquished all claim to carry slavery into new territory, thereby putting limits to its spread, and consented to allow a limit to be put to it, in time, by authorizing the importation of slaves to be taxed, and, after a specified date, prohibited. The consideration paid by the free States to the slave States for these concessions and restrictions, was agreeing to allow that species of property the special privilege of representation, and to suffer the reclamation of fugitive slaves.

But this latter obligation stands in particular and special relation to the non-extension of slavery. It is the equivalent paid by the free States to the slave States, in consideration of the abandonment by the slave States of all claim to extend their slavery beyond their own limits.

The two ideas are inseparably linked together in the ordinance of 1787.

"Article the sixth—There shall be neither slavery nor involuntary servitude in the said Territory, otherwise than in punishment of crimes whereof the party shall have been duly convicted: Provided always, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid."

So far as States might rise within the limits of the Northwest Territory, the arrangement was made unalterable and perpetual by the express language of the ordinance.

"It is hereby ordained and declared by the authority aforesaid, That the following articles shall be considered as articles of compact between the original States and the people and States in the said Territory, and forever remain unalterable, unless by common consent."

The Constitution of the United States impressed the seal of its sanctity and inviolability upon this compact by ordaining (art vi, 1st paragraph) that "engagements entered into" before its adoption, "should be as valid against the United States, under this Constitution, as under the Confederation."

I hold, Mr. Chairman, that no man can study carefully the proceedings of that day, without being compelled to the conclusion, that the real bargain, compromise, compact between the two great sections, was, that the South would not attempt to carry slavery into new territory, and the North would extend a certain degree of protection over that species of property ~~where it then was, and~~

so long as it might last, particularly in allowing the recovery of fugitive slaves within the limits of the free States.

It is true that but one side of this bargain or contract was received into the written text of the Constitution. The reason of this is obvious. The consideration paid by the South, that is, the relinquishment of the common territorial possessions of the Union to freedom, was already fully executed and discharged. Slavery was restricted from ever entering the Northwest Territory, by solemn compact, underlying the Constitution, and made forever binding by its express provisions. The matter was forever settled and wholly disposed of, and there was no occasion to insert it in the Constitution. But the consideration agreed to by the free States, was to find its execution in the indefinite future, and was to bind them through all subsequent time—namely, the obligation to suffer the reclamation of fugitive slaves—and that, with propriety, was inserted into the text of the Constitution. No one then dreamed that there would or could be any other territory, owned in common, than the territory northwest of the Ohio, and the Constitution contains no provision and no authority for the acquisition or the possession of any other territory.

The committee will perceive that the views I entertain of the subject, whose history I have analyzed and spread out to their contemplation, lead me to regard every attempt by the slave States to extend their institution into new territory, as violating and destroying the moral force of the compact by which the fugitive slave provision of the Constitution was made binding upon the free States.

The committee will suffer me to say that, perhaps, I should not have felt constrained to enter into this protracted debate, had I not conceived the district which I represent on this floor to be particularly responsible for the great compromise, or interchange of equivalent obligations, between the North and South, on which, as I have shown, the Union and the Constitution rest. Massachusetts was represented in the old Congress, in July, 1787, by but two delegates, both of whom resided almost in sight from my doors—SAMUEL HOLTEN, of Danvers, afterwards a member of this House, under the Constitution, and NATHAN DANE, of Beverly. The unsurpassed legal learning of the latter enabled him to draft the immortal ordinance of 1787, in its final shape, as one of the committee of five that reported it. He was responsible for the arrangement that terminated the conflict between the two sections of the Union. Besides them there was another distinguished person, whose name sheds lustre upon the annals of the county in which I reside, and the district I have the honor to represent in this House. MANASSEH CUTLER, of Hamilton, Massachusetts, was in New York, at the time, in attendance upon the old Congress, and urging the settlement of the territorial question. He had before become deeply interested in the settlement of the Northwest Territory. It has been well said, that beneath the shelter of the covered wagon, in which he started from his village home in Massachusetts to found Marietta, the imperial State of Ohio was wrapped up. He was indeed a remarkable man—having adorned, in the course of his extraordinary life, each of the three learned professions. After the

establishment of the Constitution, he became a member of this House, from the district I represent. As a naturalist and a man of general science, he has had few superiors in our history. He was truly a philosopher and a patriarch. He was more than a statesman. He was the founder of a State. The sixth section of the ordinance of 1787 was, I have no doubt, the result, in part, of his exertions; and, as his successor on this floor, I have felt it my duty to explain it in this debate.

But I must hasten on to the subsequent epochs in our constitutional history at which compromises or compacts were made between the two great sections. I shall not enter into the details of the Missouri compromise—that has been, and will be done, by others. Suffice it to say, in continuation of my argument, that, in my view of the transaction, the Missouri compromise was a renewal, on another sphere, in reference to a territory that had become the common property of the Union by subsequent events, of the great compact of the ordinance of 1787. It was so not only in spirit, but to the very letter. As in the beginning, the desperate and well nigh fatal struggle between the two sections was brought to a favorable issue, in the only practicable way that is, by fixing a line; beyond which slavery could not go, and placing the free States again under the bonds of the fugitive slave obligation. The bed of the Ohio river had been the boundary originally agreed upon in 1787, as the line, east of the Mississippi, beyond which slavery could not extend.

As no such natural demarkation existed to the west of that river, a parallel of latitude was adopted; and as Missouri, where the right to hold slaves had accrued to actual proprietors under the treaty of cession from France, was nearly all above the parallel of the mouth of the Ohio, in order to make an equitable partition, the parallel of $36^{\circ} 30'$, which is lower than the mouth of the Ohio, was adopted, from the western border of the Missouri, over the territory ceded by France. The country above that was then a wilderness. No slave property rights had accrued there, and the adjustment was a proper one, and, in due time, acquiesced in by the whole country. The restriction of slavery north of $36^{\circ} 30'$, and the fugitive slave obligation, are coupled together in the Missouri compromise act, precisely as in the ordinance of 1787. Indeed, the eighth section of the act admitting Missouri, which is the compromise, is, *mutatis mutandis*, a literal copy of the sixth article of the ordinance of 1787. It is in these words:

"And be it further enacted, That in all that territory ceded by France to the United States under the name of Louisiana, which lies north of $36^{\circ} 30'$ north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited: Provided always, That any person escaping into the same from whom labor or service is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid."

Finally, the compromises of 1850 were based upon the same principle of a territorial arrangement and demarkation. They intorsed, in emphatic language, the Missouri compromise, projected the line of $36^{\circ} 30'$ over territory to which it did not extend before, admitted California as a

free State, although running below $36^{\circ} 30'$, but made up for it by allowing slavery to get into Utah and New Mexico, if it could; and reimposed with, as many of us then thought, and still think, an unnecessary and uncalled for harshness, not to say inhumanity, the fugitive slave obligation upon the free States.

I have now shown, Mr. Chairman, that the restriction of slavery in the Missouri compromise, instead of being, as some maintain, unconstitutional, is the very principle upon which the Constitution was established. The compact, which it renewed and extended, is the solid basement-story upon which the whole structure stands. The spirit and essence of that compact run through the entire constitutional history of the country. You can trace the genius and the hand of the Constitution, in this feature of our political system, from turret to foundation-stone. The bill before us repudiates this fundamental principle.

A GENTLEMAN interrupting. Then why not extend it to the Pacific?

Mr. UPHAM. I did not mean to say a word on that subject; but I must protest, with all possible deference to my excellent friend who has introduced it, that I am filled with amazement, and have been during all the debates which have taken place upon this question, to hear gentlemen who advocate this bill upon the ground of congressional non-intervention, complain of us because we did not run the line of $36^{\circ} 30'$ to the Pacific ocean, when it would have cut a sovereign Commonwealth in two, and have made an act of Congress ride rough-shod over a State constitution that had just been established. [Applause.]

So far, sir, from the Missouri compromise line being unconstitutional, the principle it evolves is absolutely demanded by the very nature of the Federal Union, under the Constitution. As I have intimated before, there is not only no constitutional provision for Territories in common, but they bring our system at once into disarray and disorganization; this is a confederation of two conflicting interests, free labor and slave labor. Those interests cannot possibly be both adjusted to the same common territory. That was demonstrated at the beginning. The Constitution could not have been formed until the territorial question had been first disposed of by the ordinance of 1787. If new territories come in, they, too, must be disposed of, severally, to one or the other of the two interests; the spirit that presided over the birth of the Constitution demands it. In other words, a line of division and demarkation, such as the Missouri compromise, is absolutely required by the genius of the Constitution, and is, in fact, the only wise, just, and practicable solution of the great difficulty in the way of the preservation, in peace and harmony, of the American Union.

In another point of view, a line of demarkation, dividing the common territory between these two sections, is required by the nature of the Constitution. A territory in common is an anomaly in our system. That system knows only the States separately considered and the States united; a common territory is necessarily extraneous to, and outside of, the system. It compels the Government to operate beyond its appropriate sphere. If new territory is acquired by conquest or annexation, the genius of our form of government requires, to prevent trouble and mischief,

that it be at once divided and distributed, according to some just arrangement or method of apportionment, to the several members of the Confederacy, each State to take its share under its own jurisdiction, and extend over it its own laws and institutions. This, however, would be, practically, very inconvenient; the States would be separated, many of them by wide distances, from the districts allotted to them, and free States and slave States would be badly mixed up together. The only practicable division, in accordance with the nature of our system—the only really constitutional arrangement, is to draw a line centrally across the map, as was done in the Missouri compromise act.

In view of these considerations, I hesitate not to say, that instead of the Missouri compromise being unconstitutional, the Nebraska and Kansas bill is itself in more complete and utter antagonism to both the Constitution and the Union than any measure ever proposed to an American Congress.

Mr. Chairman, there is more than poetic felicity, there is a grand and sublime significance, in the sequence of the great epochs that mark our Union and constitutional history. As I observed at the commencement of my argument, just one hundred years ago, in the Congress at Albany, in 1754, the first feeble attempt was made of a general American union. Thirty-three years afterwards, in the Congress and in the convention of 1787, the work was consummated on the basis I have described. Thirty-three years after that, in 1820, the same great process was repeated by the enactment of the Missouri compromise line; and when, just thirty-three years more having passed over us, President Pierce took the oath of office, on the eastern front of this Capitol, it was again proclaimed to the world by the American people, speaking through his election, as that event was then understood by those who had brought it about, that the conflicting interests of the two antagonist sections of the Union were adjusted finally and forever. The several successive generations, as they crossed the stage of life, thus solemnly reaffirmed the compact which you now propose to repudiate. Dissent has, in each instance, gradually, sunk to silence, and the whole country acquiesced. [Applause.]

In that spirit we came together at the opening of the present session. The Representatives on this floor of the whole American people—we met as a band of brothers—the most harmonious Congress ever assembled under the Constitution. As my eloquent friend from Illinois [Mr. Yates] said, there was no North, no South, no West, no East, but one undivided America. We met to devise and carry through wise, comprehensive, and truly national measures; to promote the welfare of the whole Union; to develop with fostering care the vast and diversified, but to a great extent, still latent resources of the continent; to spread cultivation and civilization over its central wastes; to bring together its opposite shores, linking them by the iron rail and magnetic wire in near and indissoluble union; and thus to grasp the commerce of the world, waiting to fall into our hands, if we will but stretch them forth to the Pacific coast. Our harmony is turned into confusion, and a fatal paralysis has crippled our legislation. Never did such a sudden, never so ruinous a change come over the affairs of a nation, and all in con-

sequence of the encouragement which has been given to the renewal of the slavery agitation by those whose duty and whose interest it was to have frowned down, at once, the authors of this untimely movement.

Mr. Chairman, I resist that movement, because I am a friend of peace and tranquillity. I believe that the only power that can be relied upon to bear an individual or a people onward and upward is the power of good feeling. The law of love that rules the spheres of the universe, and the councils of Heaven, is the law which every wise man and true patriot ought to bring to bear upon the legislation and administration of his country. Following the guidance of this supreme sentiment, I have done my utmost, in the humble sphere in which I have moved, to prevent alienation between the different sections of this Confederacy, and to maintain the compromises upon which the Constitution was founded, and the Union has been preserved. I would have a kind, charitable, and generous feeling pervade the whole land—the points in which we differ kept out of sight, and our thoughts and affections concentrated exclusively upon the common glories of the whole Republic, and the special distinctive excellencies of its various parts. Many of my earliest and dearest friends have their homes in the South. All of us have felt during the short months of our acquaintance here, a warm and strong attachment growing within us, and binding members from the most distant lines of latitude and longitude by ties of personal affection. Let southern votes extinguish this Nebraska firebrand—let southern Representatives tread it out beneath their feet on this floor—and then the amiable, genial, and noble process of fraternal good feeling will again go on, binding us and the people we represent in the perpetual bonds of union, harmony, and happiness. Before such a spirit, radiating from this national metropolis, and pervading the country, every evil and every wrong will melt away. [Applause.]

But if you pass the bill, or if it is defeated, in spite of the combined southern vote, there will be an end of all compromises. Some of them may remain in the letter of the Constitution, but it will be a dead letter; their moral force will be gone forever.

The honorable member from South Carolina, [Mr. Brooks,] to whose frank and manly speech we listened with so much interest some weeks since, intimated that perhaps it would be well to abandon the policy of compromises, and for the two great conflicting interests to meet face to face, and end the matter at once. I have suggested the reasons why, heretofore, I have contemplated such an issue with reluctance. But if the South say so, so let it be.

Southern gentlemen have expressed, in the course of this debate, reliance upon a conservative class of our northern people, who, they flatter themselves, will come to their aid in this controversy. Let me assure them that no such class of men can be found now. Those persons who have been most steadfast in standing by the rights of the South, under the compacts, are the most wounded, the most justly incensed, at this attempt to repeal and repudiate a solemn compromise. Heretofore the South has profited by our divisions. Those divisions have arisen, to a great degree, from the restraining and embarrassing influence

of obligation on our part to adhere to engagements, and stand up to the bargains made by the fathers, and renewed, as I have said, by each succeeding generation. But let engagements be violated, let those bargains be broken by the South on the ground of unconstitutionality, or any other pretense; from that hour the North becomes a unit, and indivisible; from that hour "northern men with southern principles" will disappear from the scene, and the pale of dough-faces be extinct forever.

I do not threaten. I pretend to no gift of prophecy. Any man can interpret the gathering signs of the times. All can read the handwriting on the wall. The very intimation that the Missouri compromise is proposed to be repealed by southern votes, in defiance of the protest of four fifths of the northern Representatives, has rallied the people of the free States as they have never been rallied before. Their simultaneous and indignant protests pour in upon your table, in petitions, resolutions, and remonstrances, without number and without end. They are repeated in popular assemblages from the sea-shore to the Rocky Mountains, and in the newspaper press of all parties, and all creeds, and all languages.

You have united the free States, at last, by this untimely, unprovoked, and astounding proposal. If you execute it by the passage of the bill, they will be united forever, in one unbroken, universal, and uncompromising resistance of the encroachments of the slave power everywhere, and at all points, whether north or south of 36° 30'. Their unalterable determination is heard over the whole breadth of the land; rising from the shores of the western lakes, the thunder tones of an indignant people roll over the continent; they sweep through the valley of the Connecticut, encircle the shores of Rhode Island—the early and constant homes of freedom—and the sandy cape of Massachusetts, which welcomed the Pilgrim to his first refuge and rest, and they reverberate among the granite peaks of New Hampshire. Mount Washington proclaims, and Jefferson and Adams echo it back from their venerable summits, "WHAT HAS BEEN PLEDGED TO FREEDOM SHALL BE FREE FOREVER."

I should be glad, Mr. Chairman, to consider some other points involved in the measure before us, but my limits are nearly reached. I cannot, however, refrain from saying a word on one—the doctrine of congressional non-interference—so much panegyricized by the friends of this bill. I regard it, sir, as the most anti-republican doctrine ever broached in this country. It would bring our Government into parallelism with the monarchies of the Old World. It would clothe our Executive with the prerogative of Crowns. The sovereigns of England granted charters, and exercised imperial control over subject Colonies, without the consent or coöperation of Parliament. Our Territories are to be placed beyond the reach of the representatives of the people in this House, and the representatives of the States in the other branch, so far as they are legislators. The legislative department of the Government, is not to have any influence or control whatever over the infant Republics about to rise in our boundless territories. They are to be kept under the imperial hand of the Executive. He is to appoint, by the advice and consent of the Senate acting as his privy council,

their governors, judges, marshals, and other officers. This idea, gentlemen, is suggested for your consideration, as the Representatives of the people of the United States, and the guardians of the rights of the legislative department of the Government.

I have but one more duty to discharge. A few months since the gentleman from the State of Pennsylvania [Mr. FLORENCE] obtained the permission of the House to introduce a memorial from the Society of Friends, in a portion of the middle States, in which they protested against the passage of the Nebraska bill. The House granted that permission, though they had established a rule by which the memorial should have come in in another way. I have been waiting until resolutions should be in order from the State of Massachusetts, and intended then respectfully to ask the House to extend to me the same courtesy as to the member from Pennsylvania, and to allow me to perform the same office for the Friends of New England which that gentleman was allowed to perform for the Friends of Pennsylvania. For this purpose it was my intention to have asked a suspension of the rules. But now, gentlemen, I will make that memorial a part of my speech, and print it as such. I feel honored in appearing for the Society of Friends, "good men and true," peaceable, virtuous, and conscientious, not politicians, not identified with parties, but standing on a platform higher than parties have ever reached—and by presenting, in my place, the following memorial, to have secured to the Friends of New England as respectful and public a hearing as has been given by the House to any description of the citizens of the country.

To the President, Senate, and House of Representatives of the United States:

The Memorial of the Representatives of the Yearly Meeting of the Society of Friends for New England, respectfully sheweth:

That, being assembled at the present time for the discharge of those duties which, as we believe, are connected with the welfare of our religious body, and for the support of those principles and testimonies which are inculcated by the teachings of our adorable Saviour and his apostles, we have been deeply and sorrowfully affected, in view of the bills now under consideration in Congress, by which, in the establishment of new territorial governments, it is proposed so to legislate that the area of our country into which slavery may be introduced shall be extended.

It is, we trust, well known to you that the Society of Friends throughout the world has long believed itself required, as a religious duty, to testify against slavery—that no one can hold his fellow-man in this bondage and remain a member of our Society; and that we bear our testimony against it on religious grounds, irrespective of any political party or organization.

We desire, very respectfully, to address the rulers of our land, and to be permitted, as a religious duty, earnestly to plead with them not to sanction by any act of theirs the extension of slavery in our beloved country.

We fervently crave that the injunction of our Saviour "to do unto others as we would have them do unto us," may in all their legislation be felt to be of universal application to all classes of our fellow-men, and that they may ever feel that it is righteousness that exalteth a nation.

We would not weary you with many words; but permit us to express our earnest desire and prayer, that you may seek in your deliberations for that wisdom which is from Him who hath made of one blood all the nations of men to dwell on the face of the whole earth, and that, acting in His fear, you may, individually and collectively, witness his blessing to rest upon you.

Signed by direction and on behalf of a meeting of the representatives aforesaid, held in Providence, Rhode Island, by adjournment, the second day of the second month, 1854,
SAMUEL BOYCE, Clerk.